

REMARKS

Claims 1-24 are pending in this application. Claims 13-18, 25 and 26 have been rejected in the Office Action dated June 25, 2008. Claims 1-12 and 19-24 have been previously withdrawn from consideration. By this Amendment, Applicant has amended claims 13-14. Support for these amendments and new claims can be found at, e.g., pages 7-9, 13-15 and throughout the specification and claims as originally filed. Reconsideration and allowance in view of the following amendments and remarks are requested.

Rejections - 35 USC §112

Claim 25 is rejected under 35 USC § 112, second paragraph, as failing to comply with the written description requirement. The Office action states that the specification lacks support for a powder matrix without an active ingredient.

Claim 25 is amended to refer to a method of ameliorating a cough or pharyngitis comprising use of an edible film wherein a powder matrix and film layer together comprise a medicant composition. Support for this amendment can be found for example at page. 28, paragraph 0065 of the specification. Thus, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Rejections under 35 USC §103

Claims 13-18 stand rejected under 35 USC § 103(a) as being unpatentable over Leung et al. US 20010022964 ("Leung") in view of Ismail EP0163924 ("Ismail") and further in view of Richey et al. WO 1994014331 ("Richey").

Claim 13 as amended is directed to a method for ameliorating a cough or pharyngitis by providing an edible film formed with an active ingredient and coated with a powder matrix wherein the film is selected to dissolve in an oral cavity and the active

ingredient is selected to ameliorate a cough or pharyngitis." Neither Leung, Ismail nor Richey teach or suggest the limitations of the claims as amended. Leung teaches consumable films to deliver breath deodorizing agents. Ismail teaches use of vitamin E for manufacturing a medicine for treatment and protection of mucous membranes. Richey teaches a coated chewing gum product.

Applicant's invention is directed to a method for ameliorating a cough or pharyngitis comprising providing to a user, an edible film formed with an active ingredient and coated with a powder matrix. Leung teaches oral care compositions and their methods of use. Leung's article is a film having "a relatively high oil content" and preferably comprising "pullulan as a film-forming agent." See Leung, column 3, paragraphs 0032-0034. Nowhere does Leung teach or suggest use of an edible film formed with an active ingredient and coated with a powder matrix. Ismail is entirely focused on use of an "treatment" and "protection of the mucous membranes of the eyes as well as the nose" using vitamin E. Ismail has nothing to do with the art of ameliorating a cough or pharyngitis by providing an edible film having an active ingredient. One skilled in the art having the breath deodorizing article of Leung would not look to the use of an inedible, throw-away article such as chewing gum as taught by Richey to modify a breath deodorizer or vice versa.

Additionally, the prior art references when combined must teach or suggest all the claim limitations. MPEP § 2142. There is no mention or hint of the use of an edible film formed with an active ingredient and coated with a powder matrix for ameliorating a cough or pharyngitis. Accordingly, not all limitations of the claims are taught or suggested by the cited art, and as such, the cited art does not render the claims

obvious. Thus, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Additionally, neither cited reference teaches the elements of claim 25 and 26. Specifically, the references do not teach a film coated with a powder matrix wherein the powder matrix and film layer together comprise a medicant, and further none of the cited references teach or suggest treating a cough or pharyngitis by providing a numbing effect.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

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Respectfully submitted,

Customer No. 34055
Perkins Coie LLP
Patent - LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (206) 332-7198

PERKINS COIE LLP

By: /Mimi H. Chiang/
Mimi H. Chiang
Reg. No. 46,618